

CHAPTER 12 COMMUNITY PLACEMENT OF JUVENILE OFFENDERS

1200 GENERAL PROVISIONS

- 1200.1 The Youth Services Administration, Commission on Social Services, Department of Human Services shall be responsible for community service programs for delinquents and persons-in-need-of-supervision (PINS) who are committed to the legal custody of the Commission by the D.C. Superior Court.
- 1200.2 The provisions of this chapter shall apply to supervision of youngsters in a community placement, including group homes, the youth's own home, a foster home, or similar community placement.
- 1200.3 In accordance with In the Matter of JMW (1980), when a juvenile is committed to the custody of the Commission, specific placement changes shall be at the sole direction of the agency unless otherwise restricted by the Court.
- 1200.4 The program of community services shall be based on close supervision by trained social service workers of juveniles placed in a non-restrictive setting thought to best serve them and the community.
- 1200.5 Since not all juveniles will benefit from the community program, and a certain number will commit serious offenses or breaches of their conditional release agreement that warrant a thorough review of their community status, a review process shall be established to consider both the welfare of the community and the progress the juvenile has made in the program.
- 1200.6 When a review becomes necessary, the Youth Services Administration shall follow the procedures set forth in this chapter for the orderly procession and documentation of the review process.
- 1200.7 The purpose of the procedures set forth in this chapter shall be to set forth the process for revoking the status of juveniles in a community placement and returning the juveniles to either of the District's residential centers (Ceder Knoll or Oak Hill) or another appropriate placement or be continued in the community under different conditions spelled out in a new contract.

1201 STATUS OF JUVENILES IN AFTERCARE

- 1201.1 Juveniles shall be placed in community status after a determination by the Youth Services Administration (YSA) that they will benefit most from a less restrictive environment than that at Children's Center.
- 1201.2 Social service workers shall work closely with juveniles and their families to provide those services necessary for rehabilitation to take place.
- 1201.3 Each juvenile shall adhere to the specific terms of the conditional release drawn up to meet his or her needs and signed by him or her. The terms include, but are not limited to, the following:
- (a) Attending school regularly;
 - (b) Meeting curfews;
 - (c) Going to work regularly; and
 - (d) Appearing for any scheduled hearings.
- 1201.4 All terms of the agreement shall be thoroughly discussed with the juveniles and their families.
- 1201.5 Failure to comply with all terms of the agreement may lead to a recommendation that the community status be revoked.
- 1201.6 The youth and the family shall sign the conditional release agreement.

1202 RECISION OF COMMUNITY STATUS

- 1202.1 When the Community Services Division is notified that a juvenile already in its program has been arrested and charged in connection with any of the following offenses, the procedures set forth in this chapter shall be followed:
- (a) Homicide, attempted homicide, or assault with intent to commit homicide;
 - (b) Forcible rape, attempted forcible rape, assault with intent to commit forcible rape, or sodomy;
 - (c) Robbery while armed, attempted robbery while armed, robbery, attempted robbery, assault with intent to commit robbery while armed, or grand larceny;
 - (d) Burglary in the first or second degree;
 - (e) Kidnapping; or
 - (f) Arson.

1202 REVISION OF COMMUNITY STATUS (Continued)

- 1202.2 When the juvenile is returned, after a court hearing, to aftercare status with the Youth Services Administration, a revocation hearing shall be scheduled.
- 1202.3 The YSA shall notify the Chief of the Juvenile Section, Corporation Counsel, of the results of the hearing.
- 1202.4 Juveniles who violate twice or more any of the terms of their release agreement (not necessarily the same terms) may be subject to the same revocation process.
- 1202.5 The social service worker shall determine, based on a complete evaluation of the child's performance under the release agreement, whether to start the revocation process.

1203 PROCESS TO BEGIN REVOCATION

- 1203.1 The social service worker responsible for the juvenile who is arrested and charged with any of the offenses in §1202.1 or whose violations of the release agreement terms are considered serious after consultation with the appropriate social service supervisor, shall initiate the revocation process within three (3) working days of notification of the arrest or latest violation.
- 1203.2 The revocation process shall begin with a memo to the Administrator of YSA explaining the decision to revoke. A copy of the memo shall be placed in the case record.
- 1203.3 A YSA Revocation Report detailing the circumstances of the arrest charges or violations shall be prepared. This report shall include the following:
 - (a) The date and time of the offense(s) or violations;
 - (b) A report of the arresting officer;
 - (c) The seriousness of the charge or violation; and
 - (d) The progress of the child in aftercare before the offense or violation took place.
- 1203.4 Part I of the "Request for Administrator's Review of YSA Revocation Report" shall be completed.
- 1203.5 A copy of the agreement with YSA that was signed and dated by both the juvenile and the social service worker shall be attached to the form. If a police report was written, it shall also be attached.

1203 PROCESS TO BEGIN REVOCATION (Continued)

- 1203.6 All documents shall be delivered within two (2) work days of completing them to the Office of the Administrator, Youth Services Administration, 122 C Street, N.W., Room 808. No more than five (5) work days should pass between the time YSA is informed of the charge or violation and the sending of the document package to the Administrator of Youth Services Administration.
- 1203.7 When a child placed in community status is presenting a clear danger to himself or herself or to others, his or her immediate removal from the current placement may be essential. In these instances the worker shall remove the child from his or her placement, and return the child to the Children's Center. The revocation panel shall meet within seventy-two (72) hours and follow the procedures set forth in this chapter.

1204 YSA ADMINISTRATOR'S RECOMMENDATION

- 1204.1 The Administrator or designated representative of YSA shall review the Revocation Report and accompanying documents, then complete Part II of the "Request for Administrator's Review of YSA Revocation Report" form.
- 1204.2 The form, along with supporting documents, shall be returned to YSA Community Service Division within three (3) work days of its receipt from them. Copies of the form and supporting documents shall be kept for the Administrator's file.

1205 RECOMMENDATION TO YSA AFTERCARE DIVISION

- 1205.1 The "Request for Administrator's Review of YSA Revocation Report" forms shall be returned to the Community Services Division with the recommendation of the Administrator of YSA either to revoke or continue community placement as follows.
- 1205.2 If the Administrator concurs, the procedures set forth in §§1206 through 1209 shall be followed.
- 1205.3 If the Administrator disagrees, the worker responsible for the case shall arrange a meeting with the social service supervisor and the Administrator of YSA to discuss this case. This meeting should take place within five (5) work days of receiving the form from the Administrator.
- 1205.4 The recommendations of both parties shall be fully discussed. The final decision shall be made by the Administrator of YSA. The case file shall include a memorandum covering the meeting and the reason for the decision taken. If the decision is to proceed with revocation, the procedures set forth in §§1206 through 1209 shall be followed.

1206 NOTICE OF REVOCATION HEARING

- 1206.1 A copy of the "Notification of the Revocation Hearing" form shall be sent to the juvenile, the juvenile's parent(s), guardian(s), and the attorney of record by the social service worker. This form shall constitute official notice of the time and place of the hearing to discuss community status.
- 1206.2 The notice to those specified in §1206.1 shall be sent by certified mail with return receipt requested so that the YSA has a record that it officially notified all the parties affected. The Post Office receipt shall be attached to the YSA copy of the Revocation Report documentation for validation of proper notice at the hearing.

1207 REVOCATION HEARINGS

- 1207.1 All hearings shall be held at the Receiving Home, 1000 Mt. Olivet Road, N.E., on the date and time shown on the "Notification of Revocation Hearing" form.
- 1207.2 The revocation hearing panel shall consist of five (5) people from Youth Services Administration drawn from supervisory staff with experience in the direct care of youngsters.
- 1207.3 No one shall serve on the panel who is in anyway involved with the case being heard or has worked with the juvenile whose community status is being reviewed.
- 1207.4 The panel shall not be responsible in any way for providing witnesses on behalf of the juvenile whose case is being heard.
- 1207.5 Witnesses who are particularly within the control of DHS, including children in its care, shall be brought to the hearing by DHS upon notification by the juvenile of the necessity of their presence.
- 1207.6 The juvenile may bring any other witnesses to the hearing who may assist in putting forth his or her position.
- 1207.7 The juvenile may question any witnessses or challenge any documents.
- 1207.8 The juvenile may be represented at the hearing by parents, legal counsel, or any other person.
- 1207.9 If a juvenile is indigent and requests that counsel be provided, the board shall review the request and, in its discretion, decide whether counsel will be provided.
- 1207.10 If the board decides that counsel will not be provided, it shall state its reason in writing and provide a copy to the juvenile and his or her parents or guardians.

1207 REVOCATION HEARINGS (Continued)

- 1207.11 Only evidence that is material to the charges or violations that have made the hearing necessary shall be admitted at the hearing.
- 1207.12 Any information unrelated to the charges or violations shall be disregarded by the panel in coming to any decision about whether the community status should be continued or revoked.
- 1207.13 The preponderance of the evidence shall be the standard of proof the panel shall use in weighing testimony about the charges or violations.
- 1207.14 After all testimony has been heard, the panel shall retire to weigh the evidence and statements, and reach a decision.

1208 HEARING DECISION AND DISPOSITION

- 1208.1 The decision shall be read to the juvenile in the hearing room and written findings shall be provided to the juvenile, his or her parent(s), guardian(s), and attorney of the record within five (5) days.
- 1208.2 All administrative agency rulings may be appealed to the D.C. Court of Appeals.
- 1208.3 If the decision of the panel is to continue the community status, the juvenile shall be returned to the same placement he or she enjoyed before the hearing was held under either the condition of the existing aftercare agreement or different conditions of a new agreement.
- 1208.4 The panel may decide to permit the juvenile to remain in the community, but under different conditions spelled out in a new agreement.
- 1208.5 If the decision of the panel is to terminate the community status, the juvenile shall immediately be placed, based on the panel's recommendation, in an appropriate facility until his or her return to community status is indicated or the original commitment order ends.

1209 FAILURE TO APPEAR AT HEARING

- 1209.1 If a juvenile fails to appear at the scheduled time and place for the hearing, the hearing shall proceed anyway. Witnesses and reports shall be submitted, and the panel shall arrive at a decision regarding the community status.

1209 FAILURE TO APPEAR AT HEARING (Continued)

1209.2 If a decision is made to terminate the community status, the panel shall do the following:

- (a) Prepare a written report on the decision, noting that the juvenile failed to appear at the scheduled hearing; and
- (b) Determine the appropriate placement for the child and send notification of the placement of the juvenile to his or her parent(s), guardian(s), and attorney of record by certified mail, return receipt requested. The notification letter shall include the time and location at which the juvenile should report for placement.

1209.3 If the juvenile fails to appear at the stated time and place, the social service worker responsible for the juvenile shall do the following:

- (a) Ask the Recidivist Office (MPD) to request a court order for the apprehension and return of the juvenile to the appropriate facility for failing to comply with official notice to appear at a given time and location;
- (b) Note in the next progress report on the juvenile that the failure to appear for the scheduled hearing constitutes a violation of the release agreement; and
- (c) Begin intensive efforts to locate the juvenile and return him or her to the appropriate facility. The social service worker may ask for police assistance in apprehending the juvenile.

1210 SECOND HEARING

1210.1 In those cases where the juvenile was not present at the scheduled hearing and the panel decision was to terminate community status, a second hearing shall be scheduled after the juvenile is in custody.

1210.2 The post-custody hearing shall be scheduled at the Receiving Home within seventy-two (72) hours of the juvenile's return in order to rehear the issues of the earlier hearing which the juvenile failed to attend.

1210.3 Proper notification by certified mail shall be sent to the juvenile's parent(s), guardian(s), and attorney of record indicating the time and place of this hearing.

1210.4 All conditions of §§1207 through 1209 shall apply to this hearing.

1211 JURISDICTION

1211.1 The jurisdiction of the Youth Services Administration with regard to the community status of any juvenile committed to its custody shall continue until one (1) of the following occurs:

- (a) The commitment is terminated by the Youth Services Administration;
- (b) The commitment expires; or
- (c) The Court orders termination of the commitment.